REMARKS

Claims 1-12 are pending. By this Amendment, claims 2-4 are cancelled and claim 1 is amended.

Claim 1 has been amended to more particularly point out their claimed invention and include the features of claims 3 and 4. The amendment of claim 1 is supported by claims 3 and 4, as filed. No new matter is introduced by the amendments of claim 1.

All pending claims stand rejected. Applicants respectfully request reconsideration of the rejection based on the following comments.

Rejection Over Nagatsuka under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,537,718 to Nagatsuka et al. ("Nagatsuka"). To advance prosecution, Applicants have amended claim 1 to more particularly point out their claimed invention and include the features of claims 3 and 4. Applicants respectfully request reconsideration of the rejection of claims 1-10 in view of the following comments.

"To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." MPEP § 2142 (citing In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

A prima facie case of obviousness of Applicants' claimed invention has not been established, as the sole cited reference does not teach, suggest, or motivate all of the features

included in claim 1, as amended. Prima facie obviousness is not established if all the elements of the rejected claim are not disclosed or suggested in the cited art. In re Ochiai, 37 USPQ 1127, 1131 (Fed. Cir. 1995). ("The test for obviousness *vel non* is statutory. It requires that one compare the claim's 'subject matter as a whole' with the prior art 'to which said subject matter pertains.'"). See also, MPEP § 2143.03 "All Claim Limitations Must Be Taught or Suggested," citing In re Royka, 180 USPQ 580 (CCPA 1974). "To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art." MPEP § 2143.03.

Specifically, Nagatsuka does not teach or suggest forming a layered fibrous mat on a fiber receiving surface, inverting the mat such that a low-density layer of the mat is positioned upwardly, and placing the mat on a moving surface located below a roller to be used in forming the second layered fibrous mat such that a low-density layer of the mat becomes the fiber receiving surface for a second layered fibrous mat, as required by claim 1.

Rather, Nagatsuka merely teaches placing an already formed first layered mat structure on an already formed second layered mat structure without inverting the first mat structure. One skilled in the art would not be motivated by the teachings of Nagatsuka to invert a first layered fibrous mat so that a low-density layer of the first layered fibrous mat can be used as a fiber receiving surface for a second layered fibrous mat. As such, the sole reference cited by the Examiner does not teach, suggest, or motivate all of the features included in claim 1. Thus, a prima facie of obviousness has not been established.

With respect to specific features noted by the Examiner in the claims depending from claim 1, these issues are not commented on further here because they are presently moot given the above analysis, although Applicants do not acquiesce in the Examiner's position. See MPEP § 2143.03 ("If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.") As such, Applicants respectfully request withdrawal of the rejection of claims 1-10 as being unpatentable over Nagatsuka.

Rejection Over Nagatsuka and Ruffo under 35 U.S.C. § 103(a)

The Examiner rejected claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,018,646 to Ruffo et al. ("Ruffo"). As discussed above, Applicants have amended claim 1 to more particularly point out their claimed invention and include the features of claims 3 and 4. Applicants respectfully request reconsideration of the rejection of claims 11 and 12 in view of the following comments.

The Examiner cited Ruffo for teaching that wood fibers can be used as a fiber component in forming a layered fabric from a mixture of fibers. However, Ruffo does not make up for the deficiencies of Nagatsuka with respect to claim 1. Specifically, like Nagatsuka, Ruffo does not teach or suggest forming a layered fibrous mat on a fiber receiving surface, inverting the mat such that a low-density layer of the mat is positioned upwardly, and placing the mat on a moving surface located below a roller to be used in forming the second layered fibrous mat such that a low-density layer of the mat becomes the fiber receiving surface for a second layered fibrous mat. Therefore, all of the claim limitations are not taught or suggested by the Nagatsuka or Ruffo, individually or in combination. As such, the references do not render Applicants' claimed invention prima facie obvious.

Based on the foregoing, Applicants respectfully request withdrawal of the rejection of claims 11 and 12 as being unpatentable over Nagatsuka in view of Ruffo.

CONCLUSION

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

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